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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/603,216

Applicant(s)

ZOMMERS, OLEG

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-100, 104-206, 210-314 and 318-503 is/are pending in the application.
4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) See Continuation Sheet is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 08 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims withdrawn from consideration are 30,35,104-106,142,147,210-212,244,249,273,318-428 and 462.

Continuation of Disposition of Claims: Claims rejected are 1-29,31-34,36-100,107-141,143-146,148-206,213-243,245-248,250-272,274-314,429-461 and 463-503.

DETAILED ACTION

1. This Final Office action is responsive to Applicant's amendment filed March 8, 2005.

Claims 1, 107, 213, 321, and 429 have been amended. (Please note that claim 321 is still withdrawn from consideration since it is still directed toward non-elected subject matter.)

Claims 101-103, 207-209, 315-317, 504, and 505 have been cancelled.

Claims 1-29, 31-34, 36-100, 107-141, 143-146, 148-206, 213-243, 245-248, 250-272, 274-314, 429-461, and 463-503 are presented for examination.

Response to Arguments

2. Applicant's arguments filed March 8, 2005 have been fully considered but they are not persuasive.

Regarding the drawing objections, Applicant states, "Since no specific matters were objected to in the Office Action, Applicant is unclear which claimed features are allegedly not illustrated." (Page 84 of Applicant's response) The drawing objection indicates that all limitations recited in claims 1-29, 31-34, 36-100, 107-141, 143-146, 148-206, 213-243, 245-248, 250-272, 274-314, 429-461, and 463-503 must be shown or the features canceled from the claims. Figures 1-4 provide schematics of the structure utilized in the invention. What is missing is a figure(s) depicting in detail the steps of the method recited in claims 1-29, 31-34, 36-100, 107-141, 143-146, 148-206, 213-243, 245-248, 250-272, 274-314.

Applicant argues that the rejection under § 101 lacks merit because “[e]ach of these claims involve at least one physical structure, a database, and produce a useful, concrete, and tangible result in the form of delivered personalized information specifically selected from the database.” (Page 84 of Applicant’s response) The Examiner directs Applicant toward MPEP 2106, which provides “[e]xamples of claimed processes that do not achieve a practical application.” Based on these examples, which include the steps of merely updating a result of calculations, storing a result of calculations, transmitting electrical signals representing the result of calculations, or displaying a result of calculations, it is clear that a nominal recitation of technology is not sufficient to meet the requirements of § 101. Similarly, claims 1-29, 31-34, 36-100, 107-141, 143-146, 148-206, 213-243, 245-248, 250-272, and 274-314 recite storing data in a database (which is not necessarily an electronic database) and transmitting data (which is not necessarily an electronic transmission of data, as supported by claim 4, for example, which provides for the option of transmission via a delivered paper hardcopy). Therefore, the Examiner maintains that claims 1-29, 31-34, 36-100, 107-141, 143-146, 148-206, 213-243, 245-248, 250-272, and 274-314 are not statutory.

The previously pending rejections under 35 U.S.C. § 112 have been withdrawn in response to Applicant’s cancellation/amendment of claims. However, a new rejection (responsive to Applicant’s amendments) is found below.

Regarding Examiner’s usage of Official Notice in the art rejection, “Applicant traverses the Examiner’s repeated use of Official Notice for these claim limitations and respectfully requests the citation of prior art for each such Notice if the rejection is to be

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maintained.” (Page 86 of Applicant’s response) Examiner notes the following discussion of Official Notice taken from the MPEP:

To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner’s action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also *Chevenard*, 139 F.2d at 713, 60 USPQ at 241 (“[I]n the absence of any demand by appellant for the examiner to produce authority for his statement, we will not consider this contention.”). A general allegation that the claims define a patentable invention without any reference to the examiner’s assertion of official notice would be inadequate. If applicant adequately traverses the examiner’s assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). See also *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 (“[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings” to satisfy the substantial evidence test). If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2). If applicant does not traverse the examiner’s assertion of official notice or applicant’s traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner’s assertion of official notice or that the traverse was inadequate. If the traverse was inadequate, the examiner should include an explanation as to why it was inadequate. (MPEP § 2144.03(C))

Applicant has not “specifically point[ed] out the supposed errors in the examiner’s action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art.” Applicant’s broad request for references to support Examiner’s statements of Official Notice amounts to nothing more than an unsupported

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challenge. Therefore, Applicant has not sufficiently switched back to the Examiner the burden of supplying references in support of her assertions of Official Notice.

Applicant's remaining arguments are directed toward the recent claim amendments, which will be addressed in the revised art rejection found below.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Russian on September 22, 1999. It is noted, however, that applicant has not filed a certified copy of the Russian application as required by 35 U.S.C. 119(b). Furthermore, Applicant claims that the instant application is a Continuation-In-Part of the foreign application. Without submission of a certified English translation of the Russian application, the Examiner cannot reasonably verify which of the claimed subject matter is fully disclosed in, and therefore merits priority to, the Russian application. Furthermore, Applicant cannot officially claim status of the instant application as a Continuation-In-Part *per se* to a foreign application. (See 37 CFR § 1.53(b).)

Also, Applicant claims priority to provisional application no. 60/158,562 filed on October 8, 1999; however, the claimed invention of the instant application is not fully disclosed in the provisional application. The following are only a few examples of the material disclosed in the instant application, but not supported by the disclosure of the provisional application: (1) collecting subjective responses from hardcopy response forms which are machine-read and optionally transmitted by facsimile (see at least page

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5, line 21 through page 6 of the specification), (2) identifying psychological types of the users (page 12, line 13 and page 22, lines 10-15 of the specification), (3) performing psychological testing (page 13, lines 13-15), (4) the various topical trends prediction methods (page 25, line 13 through page 28, line 14 and page 38, lines 3-18). For purposes of applying prior art, claims containing this (as well as all other subject matter not disclosed in the provisional application) will only be granted priority back to the filing date of the instant application (June 26, 2000).

Specification

4. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (see page 1 of the specification). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, all limitations recited in claims 1-29, 31-34, 36-100, 107-141, 143-146, 148-206, 213-243, 245-248, 250-272, 274-314 must be shown or the features canceled from the claims. For example, what is missing is a figure(s) depicting in detail the steps of the method recited in claims 1-29, 31-34, 36-100, 107-141, 143-146, 148-206, 213-243, 245-248, 250-272, 274-314. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. **The objection to the drawings will not be held in abeyance.**

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-29, 31-34, 36-100, 107-141, 143-146, 148-206, 213-243, 245-248, 250-272, and 274-314 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. Furthermore, mere intended or nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process.

In the present case, while claims 1-29, 31-34, 36-100, 107-141, 143-146, 148-206, 213-243, 245-248, 250-272, and 274-314 recite the useful, concrete, and tangible result of delivering personalized information to a user, there is, at best, only a nominal recitation of technology in the claims. Merely transmitting the personalized information via an electronic communication channel (and doing so as an option along with delivering a paper copy, see at least claim 4) amounts to nothing more than a nominal recitation of technology. Therefore, claims 1-29, 31-34, 36-100, 107-141, 143-146, 148-206, 213-243, 245-248, 250-272, and 274-314 are deemed to be non-statutory. In order to overcome this rejection, it is respectfully recommended that Applicant amend

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the claims to expressly recite one of the core steps of the invention (e.g., a determination or analysis step) as being performed by technology (e.g., a computer).

The Examiner directs Applicant toward MPEP 2106, which provides “[e]xamples of claimed processes that do not achieve a practical application.” Based on these examples, which include the steps of merely updating a result of calculations, storing a result of calculations, transmitting electrical signals representing the result of calculations, or displaying a result of calculations, it is clear that a nominal recitation of technology is not sufficient to meet the requirements of § 101. Similarly, claims 1-29, 31-34, 36-100, 107-141, 143-146, 148-206, 213-243, 245-248, 250-272, and 274-314 recite storing data in a database (which is not necessarily an electronic database) and transmitting data (which is not necessarily an electronic transmission of data, as supported by claim 4, for example, which provides for the option of transmission via a delivered paper hardcopy). Therefore, the Examiner maintains that claims 1-29, 31-34, 36-100, 107-141, 143-146, 148-206, 213-243, 245-248, 250-272, and 274-314 are not statutory.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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9. Claims 1-29, 31-34, and 36-100 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claim 1 (from which claims 2-29, 31-34, and 36-100 all depend) has been amended to recite that "at least one information item deemed most important *by the publisher* at the time of delivering the collection is included in each user's delivered collection." Page 14 of the specification states that "each issue of the personalized information may...include the publisher's materials which were deemed most important at the time of generation of the issue." (Page 14, lines 6-9) The specification, as originally filed, does not indicate who or what makes the determination as to which of the publisher's materials are deemed most important at the time of generation of the issue. Furthermore, it is not clear from the specification, as originally filed, to whom the publisher's materials are evaluated in regard to their importance. For example, are the included materials the ones that are deemed most important to the publisher at the time of generation of the issue or to the user, based on his/her profile? Lacking such an explanation, the amended limitation that "at least one information item deemed most important *by the publisher* at the time of delivering the collection is included in each user's delivered collection" is deemed to be new matter since the specification, as originally filed, never disclosed that the publisher indicates which information item he/she regards as most important at the time of delivering the collection of information items.

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Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-29, 31-34, 36-100, 107-141, 143-146, 148-206, 213-243, 245-248, 250-272, 274-314, 429-461, and 463-503 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz (U.S. Patent No. 6,029,195).

Herz discloses a method of delivering personalized information to users, comprising:

[Claim 1] collecting information items by a publisher (col. 34, line 47 through col. 35, line 55; col. 49, lines 25-42; col. 60, lines 35-64);

storing said information items on at least one publisher's database (col. 34, line 47 through col. 35, line 55; col. 49, lines 25-42; col. 60, lines 35-64);

establishing a user profile for each user and storing said user profiles on the at least one publisher's database (col. 34, line 47 through col. 37, line 32);

periodically delivering a collection of information items to each user as personalized information, wherein at least a portion of information items from said collection is chosen based on each user's user profile (col. 18, line 10 through col. 27, line 67; col. 35, line 40 through col. 37, line 32; col. 63, lines 55-58);

collecting responses other than information item usage from said users related to said personalized information (col. 18, line 10 through col. 27, line 67; col. 35, line 40

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through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21); and

refining each user profile based, at least in part, on each user's responses (col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 2] wherein said publisher collects information items from licensed commercial sources, free sources, and independent authors (col. 34, lines 62-63; col. 35, line 40 through col. 36, line 27 – National Geographic, Forbes, The Wall Street Journal, etc. are examples of licensed commercial sources. Targeted advertisements are examples of free sources. Documents submitted and edited by authors and/or their editors are examples of information from independent authors);

[Claim 3] wherein personal topical interests, preferences and psychological-type of each user are fixed in each user's user profile (col. 24, lines 55-57; col. 35, line 40 through col. 37, line 32);

[Claim 4] wherein said personalized information is delivered by a channel selected from the group consisting of Internet web pages, FTP downloads, e-mail, facsimile transmission, delivered paper hardcopy, magnetic media, optical media, broadcast TV, and radio (col. 35, lines 40-55; col. 65, lines 19-67; col. 67, lines 11-14; col. 68, lines 10-17);

[Claim 5] wherein said responses are collected by a channel selected from the group consisting of Internet web pages, e-mail, facsimile transmission, delivered paper hardcopy, and voice mail (col. 65, lines 19-67; col. 67, line 60 through col. 68, line 21);

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[Claim 6] wherein said collected information items are indexed and classified into topical fields (col. 34, line 47 through col. 35, line 55; col. 49, lines 25-42; col. 60, lines 35-64);

[Claim 7] wherein said information items are filtered to release a user from information which is excessive or useless, by allocating only the most essential pieces of knowledge or information (col. 18, line 10 through col. 27, line 67; col. 35, line 40 through col. 37, line 32; col. 63, lines 55-58);

[Claim 8] wherein a filtering algorithm reduces a size of an information item to a specific value while preserving general content of said information item as close as possible (col. 36, lines 1-11);

[Claim 9] wherein a synopsis is generated for an information item on the basis of semantic analysis of said information item (col. 13, line 1 through col. 14, line 18);

[Claim 10] wherein a filtering algorithm reduces a size of an information item by preserving only a part of said information item related to a topical field designated in user's user profile (col. 18, line 10 through col. 27, line 67; col. 35, line 40 through col. 37, line 32; col. 63, lines 55-58);

[Claim 11] wherein a portion of information items from said collection is chosen by at least one secondary publisher (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel

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level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 12] wherein said secondary publisher produces secondary information items and said secondary information items are collected and stored on said publisher database (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 13] wherein said responses are collected by said secondary publisher (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 14] wherein said secondary publisher controls release of collected responses to said publisher (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

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[Claim 15] wherein said secondary publisher analyzes said responses to create information in a form usable by said publisher, said secondary publisher, or another secondary publisher (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 16] wherein independent authors supply specific information items to a publisher or secondary publisher proceeding from their own topical interests (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 17] wherein independent authors supply specific information items to a publisher or secondary publisher in reply to requests for specific information (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

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[Claim 18] wherein a publisher of personalized information requests information items from independent authors based on said publication's topical interests, topical field of distributed personalized information, and topical interests of users of personalized information (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 19] wherein said independent authors produce specific information items in response to general interests revealed by said responses (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 20] wherein user responses to said specific information items are used to rate, compensate, or rate and compensate said independent authors (col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21, see col. 37, lines 1-31 in particular);

[Claim 21] wherein said independent authors are paid royalties each time one of their information items is included in a user's personal information (col. 37, lines 5-31 – When a user requests responses to an inquiry, he/she negotiates payment based on the value

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of each response. The user pays for each requested response, i.e., the independent author of a response is paid at least a basic royalty fee every time a response is requested by a user);

[Claim 22] wherein said independent authors are paid royalties for submitted information items independently on how many times said information items are actually included in a user's personal information (col. 37, lines 5-31 – The royalty payment is adjusted based on the assigned value of the response. The value of the response itself is a factor that is independent of the number of times the information items are actually included in a user's personal information. The adjustable part of the royalty fee is based on this value);

[Claim 23] wherein a user registers to receive said personal information with a publisher or secondary publisher (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 25] wherein said user chooses at least one personal information collection from a plurality of information collections released by said publisher (col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

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[Claim 26] wherein said user supplies an initial field of topical interest of an initial user profile (col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 27] wherein said user supplies an initial field of topical interest by selecting some topical sections from a given predefined set (col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 28] wherein said user supplies an initial field of topical interest by a method chosen from the group consisting of: choosing a user profile of one of the earlier registered users of said personal information, combining user profiles of any number of early registered users, specifying a user profile generated by a publisher of said personal information, and combinations of any one of these methods with the additional selection of some topical sections from a given predefined set (col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21; col. 74, line 50 through col. 75, line 4);

[Claim 29] wherein said user supplies an initial field of topical interest referencing to well-known information sources or information publications (col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 31] wherein each user chooses a condition determinative of a periodic delivery of said personal information (col. 35, lines 45-48);

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[Claim 32] wherein a condition determinative of said periodic delivery of said personal information is selected from the group consisting of a user's request for specific information, a user-defined schedule, and a specific event chosen by a user (col. 35, 45-48);

[Claim 33] wherein a specific event is an accumulation of a user-defined amount of undelivered information items (col. 35, lines 45-48);

[Claim 34] wherein said condition determinative of said periodic delivery of said personal information is a specific event and the only information item delivered is related to said specific event (col. 35, lines 45-48);

[Claim 36] wherein user's user profile is created during registration (col. 34, lines 60-64 – The fact that a user identifies him/herself with a password implies that an initial registration process occurred);

[Claim 37] wherein at least a portion of information submitted during registration, including a user's field of interest, is stored in said user's user profile (col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 38] wherein a user is provided with unique password or identifier which is used to access collections of information items (col. 34, lines 60-64);

[Claim 39] wherein a person learns about an existence of said personalized information through advertisements or advertising collections of information items distributed by a publisher via generally available printed and electronic media (col. 34,

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lines 60-64; col. 46, line 62 through col. 47, line 47; col. 6, line 66 through col. 69, line 60; col. 72, line 65 through col. 73, line 43);

[Claim 40] wherein said advertising collections of information items are generated on the basis of most common topical interests of registered users of said personal information (col. 34, lines 60-64; col. 46, line 62 through col. 47, line 47; col. 6, line 66 through col. 69, line 60; col. 72, line 65 through col. 73, line 43);

[Claim 41] wherein some collections of information items generated for users of said personal information are used as advertisements (col. 34, lines 60-64; col. 46, line 62 through col. 47, line 47; col. 66, line 66 through col. 69, line 60; col. 72, line 65 through col. 73, line 43);

[Claim 42] wherein advertising collections of information items are periodically updated (col. 34, lines 60-64; col. 46, line 62 through col. 47, line 47; col. 60, lines 48-64; col. 66, line 66 through col. 69, line 60; col. 72, line 65 through col. 73, line 43);

[Claim 43] wherein said responses from users are selected from the group consisting of subjective views on said information items, user requests, inquiry responses, and formalized user statements (col. 18, line 10 through col. 27, line 67; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 44] wherein said subjective views on said information items are expressed in a form selected from the group consisting of evaluation of quality using a scale, expression of user's opinion about information items, and comments to submitted information items (col. 18, line 10 through col. 27, line 67; col. 35, line 40 through col.

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37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 48] wherein said user request expresses a user's interest in receiving future information items related to a present information item (col. 18, line 10 through col. 27, line 67; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 49] wherein said user request expresses user's interest in receiving some additional information items submitted by the same independent author (col. 35, line 56 through col. 36, line 1; col. 37, lines 5-31);

[Claim 50] wherein a user request contains a priority assigned by said user to requested information items or topical fields (col. 22, lines 45-47; col. 36, line 66 through col. 37, line 2);

[Claim 51] wherein information items with higher priority are included into issues of personalized information in the priority order (col. 22, lines 45-47; col. 36, line 66 through col. 37, line 2);

[Claim 52] wherein highest priority is assigned to hot news or other urgent information items or topical fields (col. 22, lines 45-47; col. 36, line 66 through col. 37, line 2);

[Claim 53] wherein a user orders additional comments to hot news or other urgent information items using a specific request (col. 35, line 56 through col. 37, line 31);

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[Claim 54] wherein a user orders comments reflecting a desired point of view or submitted by an independent author requested to by said user (col. 35, line 56 through col. 36, line 1; col. 37, lines 5-31);

[Claim 56] wherein each said collection of information items, in addition to information items fitting the user's user profile, includes some publisher's information items which are deemed to be most important at the time of generation of said collection (col. 18, line 10 through col. 27, line 67; col. 34, lines 60-64; col. 46, line 62 through col. 47, line 47; col. 35, line 40 through col. 37, line 32; col. 63, lines 55-58; col. 66, line 66 through col. 69, line 60; col. 72, line 65 through col. 73, line 43);

[Claim 57] wherein a user may export their user profile for use by another user (col. 74, line 50 through col. 75, line 4);

[Claim 58] wherein a user may import a user profile for their use from another user (col. 74, line 50 through col. 75, line 4);

[Claim 59] wherein user profiles are used for special reasons selected from the group consisting of marketing research and interrogation of public opinion (col. 5, lines 61-67; col. 74, lines 65-66);

[Claim 60] wherein access to certain information items requires said user to provide a certain response (col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21, see col. 37, lines 1-31 in particular);

[Claim 61] wherein said certain response is selected from the group consisting of authorizing payment, authorizing release of user information, viewing advertisements,

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viewing and registering responses to advertisements, viewing information, viewing and registering responses to information, responding to a questionnaire, and responding to a poll (col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21, see col. 37, lines 1-31 in particular);

[Claim 68] including organizing multiple levels of primary publishers and secondary publishers that distribute each of said collecting, storing, delivering, and refining steps in a mutually agreed manner, wherein publishers act as primary publishers when they perform the step of collecting information items and act as secondary publishers when they rely on other publishers to perform the step of collecting information items (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 69] wherein said multiple levels of primary publishers and secondary publishers are organized as a multilevel hierarchical structure where the primary publisher is on the top of hierarchy and is responsible for the content of all personal information (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A

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collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 70] wherein said primary publisher collects information items from licensed commercial sources, free sources, and independent authors (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel; col. 34, lines 62-63; col. 35, line 40 through col. 36, line 27 – National Geographic, Forbes, The Wall Street Journal, etc. are examples of licensed commercial sources. Targeted advertisements are examples of free sources. Documents submitted and edited by authors and/or their editors are examples of information from independent authors);

[Claim 71] wherein said primary publisher stores said information items on at least one central database (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 72] wherein said primary publisher provides said secondary publishers with information items they need to generate collections of information items (col. 34, line 47

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through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 73] wherein said primary publisher is responsible for personal information released by said secondary publishers and also for information items submitted to them (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 74] wherein said secondary publishers either assist said primary publisher in generation and distribution of collections of information items or generate and distribute their own collections of information items (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 76] wherein said secondary publishers generate specialized collections of information items by including into said collections some specific information items (col.

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34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 77] wherein topical fields of said specialized collection of information items are determined by topical interests of said secondary publisher and are established by fixing some topical sections (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 78] wherein said collections of information items distributed by said secondary publisher are generated by said primary publisher on request of said secondary publisher or by said secondary publisher himself using available information items (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

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[Claim 79] wherein at least a portion of collections of information items generated by said secondary publishers is placed into local databases of said secondary publishers (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 80] wherein at least a portion of collections of information items generated by said secondary publishers is transferred into a central database of said primary publisher (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 81] wherein at least a portion of information items necessary for generation of said collections of information items is received by said secondary publishers from publishers of higher levels of hierarchy (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

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[Claim 82] wherein at least a portion of information items necessary for generation of said collections of information items is collected by said secondary publisher from licensed commercial sources, free sources, and independent authors (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel; col. 34, lines 62-63; col. 35, line 40 through col. 36, line 27 – National Geographic, Forbes, The Wall Street Journal, etc. are examples of licensed commercial sources. Targeted advertisements are examples of free sources. Documents submitted and edited by authors and/or their editors are examples of information from independent authors);

[Claim 83] wherein at least a portion of information items retrieved by said secondary publisher is stored on at least one local database of said secondary publisher (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 84] wherein at least a portion of information items retrieved by said secondary publisher is transferred into at least one central database of primary publisher (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted

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as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 85] wherein information items retrieved by said secondary publishers are evaluated by primary publishers or secondary publishers of higher level of hierarchy in order to make conclusions about their usability in collections of information items (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 86] wherein said secondary publisher distributes said collections of information items completely generated by publishers of higher levels of hierarchy (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 87] wherein said secondary publisher provides users with general purpose of specialized collections of information items (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary

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publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 88] wherein said secondary publisher influences content of said collections of information items by fixing some topical sections (col. 34, line 47 through col. 36, line 30

– The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 90] wherein a user registers to receive said personal information with said primary or secondary publisher (col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 91] wherein user's user profile is stored on at least one local database of said primary or secondary publisher said user has registered with (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel; col. 18, line 10 through col. 27,

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line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 92] wherein user's user profile is transferred into at least one central database of a primary publisher (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel; col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 93] wherein user responses collected by said secondary publisher are analyzed by said secondary publisher (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel; col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 94] wherein user responses collected by said secondary publisher are forwarded to said primary publisher or secondary publisher of higher level of hierarchy (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely

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serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel; col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21);

[Claim 96] wherein said secondary publisher provides said primary publisher or said secondary publisher of higher level of hierarchy with methods and procedures for analyzing user responses (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel);

[Claim 97] wherein said logical model of personal information is established by said primary publisher or a secondary publisher (col. 34, line 47 through col. 36, line 30 – The various servers and channels may be interpreted as primary and secondary publishers, where primary and secondary merely serve as labels to distinguish between at least two separate entities. A collection of information may be selected at the server or channel level and authors may control content that is directly submitted to the server or to users through a channel; col. 18, line 10 through col. 27, line; col. 35, line 40 through col. 37, line 32; col. 65, line 50 through col. 66, line 66; col. 67, line 62 through col. 68, line 21).

Regarding claim 1, Herz teaches the delivery of a collection of information items to a user, yet Herz does not expressly teach that the delivered information includes at least one information item deemed most important by the publisher at the time of delivering the collection; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106. Additionally, Official Notice is taken that it is old and well-known in the art of publishing for a publisher to include a feature article (i.e., an article of special interest to the publisher) with a collection of items delivered to a user. This allows a publisher to promote new authors, topics, etc. to attract new users and/or to gauge the users' response to these feature articles for future profiling purposes, such as refining effective profiling techniques. Since Herz is directed toward targeting information to a user based on his/her profile and refinement of the profile, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Herz such that its delivered information includes at least one information item deemed most important by the publisher at the time of delivering the collection in order to allow a publisher to promote new authors, topics,

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etc. to attract new users and/or to gauge the users' response to these feature articles for future profiling purposes, such as refining effective profiling techniques.

[Claim 24] Herz's users register to receive personal information by providing data regarding their topical interests, etc. (as discussed above); however, Herz does not expressly teach that each user registers by filling in a *standard* form per se. Official Notice is taken that it is old and well-known in the art of registration to provide users with a standard form to fill in as part of registration. Standard forms establish a basic set of requirements that can easily be referenced in order to complete registration. Since Herz's users provide basic demographic and interest information in order establish and refine their profiles, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Herz to incorporate a *standard* form to be filled in by users during registration in order to quickly verify that the users are providing sufficient information to begin profiling and to assign a password to the users (as discussed above).

[Claim 45] Herz does not expressly teach that the step of collecting responses includes the user marking paper hardcopy response forms and a machine reading the data from said forms. However, Official Notice is taken that it is old and well-known in the art of surveying/polling to process survey/poll responses through a user marking paper hardcopy response forms and a machine reading the data from said forms. This procedure allows responses to be automatically processed more quickly and accurately by a machine (as opposed to a human interpreting each response). Since Herz

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presumably profiles many users, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Herz to collecting its responses through the user marking paper hardcopy response forms and a machine reading the data from said forms in order to allow responses to be automatically processed more quickly and accurately by a machine (as opposed to a human interpreting each response).

[Claim 46] Herz teaches the use of facsimile to receive information from a content provider (as discussed above), yet Herz does not expressly teach that the response forms are transmitted by facsimile and machine-reading is performed by recognition software. Official Notice is taken that it is old and well-known in the art of communications to submit responses, applications, etc. via facsimile in order to quickly deliver a hard copy version of a document. Furthermore, as addressed in claim 45, Official Notice is taken that it is old and well-known in the art of surveying/polling to process survey/poll responses through a user marking paper hardcopy response forms and a machine reading the data from said forms. This procedure allows responses to be automatically processed more quickly and accurately by a machine (as opposed to a human interpreting each response). Since Herz presumably profiles many users and facilitates facsimile communications, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Herz to collect its response forms by facsimile and perform machine-reading by recognition software in order to allow responses to be delivered quickly in hard copy

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format and be automatically processed more quickly and accurately by a machine (as opposed to a human interpreting each response).

[Claim 47] Herz teaches the use of e-mail to receive information from a content provider (as discussed above), yet Herz does not expressly teach that the response forms are transmitted by e-mail and machine-reading is performed by recognition software. Official Notice is taken that it is old and well-known in the art of communications to submit responses, applications, etc. via e-mail in order to quickly and inexpensively communicate with a remotely located entity. Furthermore, as addressed in claim 45, Official Notice is taken that it is old and well-known in the art of surveying/polling to process survey/poll responses through a user marking paper hardcopy response forms and a machine reading the data from said forms. This procedures allows responses to be automatically processed more quickly and accurately by a machine (as opposed to a human interpreting each response). Since Herz presumably profiles many remotely located users and facilitates e-mail communications, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Herz to collect its response forms by e-mail and perform machine-reading by recognition software in order to allow responses to be delivered quickly and inexpensively and be automatically processed more quickly and accurately by a machine (as opposed to a human interpreting each response). Please note that e-mail messages typically comprise a section for users to create e-mail, wherein users address and draft messages in said section, users indicate whether to send said messages as text or graphic files, and said

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message is sent, as addressed, in the indicated format (wherein the indicated format is either selected by the user or automatically set by the e-mail service being utilized by the user).

[Claim 55] Herz's users refine their profiles either actively, e.g., through user feedback, or passively, e.g., through monitoring of each user's activities (as discussed above); however, Herz does not expressly teach that a user may actively select to delete topical sections from their user profile. Official Notice is taken that it is old and well-known in the art of customizing content delivered to a user to allow the user to actively select to delete topical sections from their user profile. This provides the user with greater control over what information is and is not delivered to him/her. Since Herz's users are provided with some active control over their profiles, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to enhance Herz's system by allowing a user to delete topical sections from their user profile in order to provide the user with greater control over what information is and is not delivered to him/her, thereby more effectively meeting the users' information needs.

[Claims 62-66] Herz does not expressly teach that said personalized information is delivered in a form suitable for providing personal organizer functions to said user, wherein the user may perform the organizational functions recited throughout claims 62-65. However, Official Notice is taken that various software used to organize information, documents, etc. and perform the multiple tasks recited throughout claims 62-65 are old and well-known in the art. This software enables users to organize large

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amounts of information and quickly reference it in the future or be reminded of when certain information is to be reviewed, etc. Since Herz's users can elect to receive large amounts of information, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to enhance Herz such that said personalized information is delivered in a form suitable for providing personal organizer functions to said user (claim 62), wherein a user may create individual collections of information items from various issues of personalized information, establishes personal information archives, add personal comments on information items, place bookmarks in selected places indicating a time to refer to them in the future or activating upon the occurrence of a user-defined event, and add new information items to the current issue of personalized information (claim 63), wherein individual collections of information items and personal information archives are organized as a plurality of sections associated with various fields of interest of said user or with one of user's projects (claim 64), and wherein said personalized information is delivered in an electronic form provided with interactive tools comprising of navigating tools, archiving tools, annotating tools, calendar tools, printing tools, and communication tools (claim 65) in order to enable users to organize large amounts of information and quickly reference it in the future or be reminded of when certain information is to be reviewed, etc.

[Claim 66] Herz gathers information regarding a logical model of personal information that is established by said publisher comprising methods for users' responses analysis,

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algorithms for taking into account users' profiles during generation of collections of information items for common user, and algorithms for prediction of necessities of users of personal information in goods and services through analysis of users' responses (col. 23, lines 31-36; col. 34, lines 60-64; col. 46, line 62 through col. 47, line 47; col. 6, line 66 through col. 69, line 60; col. 72, line 65 through col. 73, line 43); however, Herz does not expressly gather information regarding the interfaces of users' workplaces. Official Notice is taken that it is old and well-known in the art of communications to gather information regarding computer hardware being utilized by a user in order to be able to send information to that user in a format that can be handled by the user's computer hardware. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Herz to gather information regarding the interfaces of users' workplaces in order glean enough data to be able to send information to that user in a format that can be handled by the user's computer hardware.

[Claim 67] Herz's publishers gather personal information from the users (as discussed above), yet Herz does not expressly teach that the logical models of personal information are provided by independent suppliers on request of said publisher.

However, Official Notice is taken that it is old and well-known in the art of profiling to employ the services of a third-party to gather logical models of personal information. Contracting out this profiling process often saves companies the effort and investment required to do so themselves; therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify

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Herz such that its logical models of personal information are provided by independent suppliers on request of said publisher in order to save the publishers the effort and investment required to perform this profiling of personal information themselves.

[Claims 75, 89, 95] Herz's various publishers seem to employ a similar methodology for collecting and selecting information items, collecting responses from personal information users, and analyzing user responses (as discussed above). However, Official Notice is taken that it is old and well-known in the art of data collection for different entities to develop their own distinct methodologies for collecting and selecting information items, collecting responses from personal information users, and analyzing user responses. This allows different entities to access a common body of knowledge, but then customize the analysis of this body of knowledge to most effectively suit their respective goals, especially when each entity has unique goals. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt Herz wherein said collections of information items distributed by said secondary publishers differ from collections distributed by said primary publisher in such a way that both primary and secondary publishers use different approaches to information items selection and different response collection techniques with personal information users (claim 75), wherein said secondary publisher influences content of said collections of information items by establishing his own response collection technique with personal information users (claim 89), and wherein at least one secondary publisher establishes his own methods for analyzing user responses (claim 95) in order to promote the ability of different entities to access a

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common body of knowledge, but then customize the analysis of this body of knowledge to most effectively suit their respective goals, especially when each entity has unique goals.

[Claims 98-100] Herz's various publishers seem to employ a similar methodology for collecting and selecting information items, collecting responses from personal information users, and analyzing user responses (as discussed above). Herz does not expressly teach that one publisher establishes restrictions of their own logical models of personal information and then controls to whom these models may be forwarded.

Official Notice is taken that it is old and well-known in the art of data collection and profiling for one entity to control access to the data and to profiling information so they can forward such data/information to whomever they choose, such as for profit or for other business benefit. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Herz wherein said primary publisher establishes restrictions on said secondary publisher's ability to introduce their own logical models of personal information (claim 98), or wherein said secondary publisher establishes restrictions on secondary publishers of lower levels of hierarchy to introduce their own logical models of personal information (claim 99), or wherein said logical model of personal information developed or acquired by said primary or said secondary publisher is forwarded to another primary or secondary publisher (claim 100) so that any entity who has already taken it upon itself to invest in data collection and profiling may control access to the data and to

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profiling information so they can forward such data/information to whomever they choose, such as for profit or for other business benefit.

[Claims 107-141, 143-146, 148-206, 213-243, 245-248, 250-272, 274-314, 429-461, and 463-503] Claims 107-141, 143-146, 148-206, 213-243, 245-248, 250-272, 274-314, 429-461, and 463-503 recite limitations already addressed by the rejection of claims 1-29, 31-34, 36-100 above; therefore, the same rejection applies.

Furthermore, regarding claims 107, 213, and 429, Herz allows a user to set up a profile; however, Herz does not expressly teach that initially establishing the user profile of a new user comprises, at least in part, selecting at least one user profile of another pre-existing user. Official Notice is taken that it is old and well-known in the art of profile setting to allow a user to base his/her profile on the pre-existing profile of another user. This saves a user time when he/she has already identified a fellow user with similar interests (and therefore a similar target profile). Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to allow Herz's users to initially establish the user profile of a new user, at least in part, by selecting at least one user profile of another pre-existing user in order to save a user time when he/she has already identified a fellow user with similar interests (and therefore a similar target profile).

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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March 29, 2005

Susanna Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER
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